

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Commissioners of the District of Columbia Housing Authority hereby gives notice of the adoption of an amendment to Chapter 85 to Title 14, which contain the rules governing participant household moves. Final action to adopt these rules was taken at the Board of Commissioners regular meeting on May 11, 2005. Notice of Proposed Rulemaking was published on March 18, 2005 (52 DCR 2778). Minor, but not substantial, changes were made to the text of the proposed rules as published under the notice of proposed rulemaking. These final rules will be effective upon publication of this notice in the D.C. Register.

8500 PARTICIPANT HOUSEHOLD MOVES

8500.1 Prerequisites to a Move. A Participant Household may be issued a transfer voucher entitling them to move to another unit with, and continue to receive, a housing assistance subsidy in the District of Columbia if:

- (a) The Household meets the following five conditions:
 - (1) The Household is not within the first term of their existing lease (unless Landlord and household mutually agree in writing to terminate the lease or HCVP terminates the HAP Contract for any reason);
 - (2) The Household is in good standing and is not currently in violation of any family obligations as a participant in the Housing Choice Voucher Program and applicable HCVP and HUD rules and regulations;
 - (3) The Household is current on any payments due to DCHA;
 - (4) The Household attends a full transfer briefing conducted by DCHA; and
 - (5) The effective date of the new lease begins on the first of the month; or
- (b) DCHA has determined, in its sole discretion, that one or more of the following emergency situations applies:
 - (1) There is a creditable threat of domestic violence or need for witness protection in connection with the Household that may be mitigated by a move;

- (2) There are serious unresolved Housing Quality Standard landlord violations in the Participant Household's existing leased unit;
 - (3) Other emergency factors acceptable to DCHA have been identified by the Participant Household.
- (c) If a Participant Household makes a written request for consideration under 8500.1(b) above, DCHA shall respond in writing within five business days.

8500.2 Transfer Vouchers.

- (a) For a Participant Household that qualifies for a move under Subsection 8500.1 above, the Participant Household shall be offered a Transfer Voucher to search for another unit.
- (b) The Transfer Voucher shall expire at the earlier of 180 days from the date of its issuance, or the date DCHA has terminated the Housing Assistance Contract on the Participant Household's existing unit with notice to the Household..
- (c) Any denial or refusal to issue a Transfer Voucher shall be issued in writing and state the reasons for such denial, including the specific nature of any denial due to any violation of Family Obligations or failure to be in good standing under 8500.1(a)(2) above.

8500.3 Processing the Move. After issuance of a Transfer Voucher, if the Participant Household locates a dwelling unit it wishes to lease, it shall be processed by DCHA as a new lease-up, including the following:

- (a) Provision of a lease-up packet when the Transfer Voucher is issued;
- (b) Inspection of the new unit for compliance with HQS; and
- (c) Approval of the lease-up lease package, including the lease and the lease terms including the gross rent and the contract rent subject to a rent reasonableness determination.

8500.4 Failure to Relocate. After a Transfer Voucher is issued, if the Household does not locate a new dwelling unit to move to:

- (a) The Household may continue on where it is currently leasing, provided that:
 - (1) The Household has not yet given notice to terminate their lease to the owner; or

(2) The Household has delivered to the owner a notice rescinding the Household's earlier termination notice with a copy of such notice simultaneously delivered to DCHA; and

(3) The HAP Contract has not otherwise been terminated by DCHA.

(b) The Household is not required to provide new lease-up or other documents to DCHA and the owner shall continue to receive Housing Assistance Payments as if the Participant had never requested the Transfer Voucher.

(c) The Household's prior Total Tenant Payment continues in effect.

8500.5 Future Moves. If a Household decides to move at a future date while the Transfer Voucher is still in effect, or upon obtaining another Transfer Voucher, the Household is required to:

(a) Give the owner notice as provided under the Household's lease or otherwise by mutual consent with the Owner permitting termination of the existing lease; or

(b) If the Transfer Voucher has expired, the Household is required to request a Transfer Voucher under the conditions identified in Subsection 8500.1 above.